



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/536,539

05/26/2005

Jurgen Schmidt

PD020111

5066

24498

7590

09/26/2008

Joseph J. Laks

Thomson Licensing LLC

2 Independence Way, Patent Operations

PO Box 5312

PRINCETON, NJ 08543

EXAMINER

MCCORD, PAUL C

ART UNIT

PAPER NUMBER

2615

MAIL DATE

DELIVERY MODE

09/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/536,539	Applicant(s) SCHMIDT ET AL.	
	Examiner PAUL MCCORD	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/26/05, 10/11/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 3 recites “decoding’ and “decoded” in a manner that fails to qualify the manner in which the apparatus decodes. The decoding in claims 3 takes place twice, initially, and then at decoders 21, 22, or 23.

4. Claims 1 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “initially decoded” in line 1 of each claim (Amended Claims: 5/26/5) renders the claims indefinite as it obfuscates the decoding process. Applicant should point out whether the decoding occurs ‘initially,’ i.e. at the onset of the method or as a first aspect of the device, whether the signals initiate devoid of code and are then coded, whether the signals are initially decoded elsewhere and enter the device or begin the method thus or whether the

Art Unit: 2614

initial decoding comprises something other than the above suggestions. Applicant is requested to revise the claims as to place them in a form such that the examiner may make a proper comparison with the prior art. The below art rejection will be made based on the examiners best interpretation. Cooperation with this request on applicant's part is appreciated.

5. Claims 1 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term “related specific mixing and/or switching information” in line 14 of claim 1 and line 25 of claim 3 (Amended Claims: 5/26/5) renders the claims indefinite. Applicant should point out specifically the manner in which the recited specific mixing and/or switching information is related. Applicant is requested to revise the claims as to place them in a form such that the examiner may make a proper comparison with the prior art. The below art rejection will be made based on the examiners best interpretation. Cooperation with this request on applicant's part is appreciated.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Art Unit: 2614

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 1, 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hans et al. (US PGPub 2004/0024478 hereinafter Hans) and further in view of Wilson et al. (US Patent 7072726 hereinafter Wilson.)

10. Regarding claim 1, 3 (Currently Amended)

Hans teaches:

Method for processing one or more initially decoded audio signals received or replayed from a bitstream (Hans: Abstract: section [0044]; Figure 3: processing by digital mixer **340** of one or more digital audio streams initially decoded at decoders **228**), **that each have a different number of channels and/or different channel configurations** (Hans: s. [0002]: a collaborative audio session is envisioned between disparate devices which function to transmit audio in multiple formats, said formats having a variety of channel configurations), **and that are combined by mixing and/or**

Art Unit: 2614

switching before being presented in a final channel configuration (Hans: s. [0044];

Fig 3: digital mixer **340** combines one or more digital audio signals before presentation to a first user through an audio output device at **240**, or streamed to a second user of a separate digital audio device at **360**)

Hans does not teach:

A method **wherein to each one of said initially decoded audio signals a corresponding specific channel configuration information is attached and wherein said mixing and/or switching is controlled such that in case of non-matching number of channels and/or types of channel configurations the number and/or configuration of the channels to be output following said mixing and/or following said switching is determined by related specific mixing and/or switching information provided from a content provider or broadcaster and wherein to the combined data stream to be presented a correspondingly updated channel configuration information is attached.**

In a related field of endeavor Wilson teaches:

A method for transmitting multi-channel audio data wherein the first broadcast of multiple channels of an audio data stream includes an header broadcast with the audio stream containing metadata channel information specifying a conversion function for the multiple channels of audio; information included in the header controls the down-mixing and output following down-mixing of the multiple channels based on a comparison of an output channel configuration of a destination device and the included metadata channel information, said output channel configuration is attached to the down-mixed signal as a fold down coefficient string. (Wilson: Abstract; Column 2, lines 14-43, Col 10, l. 1-36;

Art Unit: 2614

Fig 4) It would have been obvious to one of ordinary skill in the art at the time of the invention to include multi-channel configuration information attached as metadata to the broadcast audio streams as taught by Wilson within the Hans device. One would have been motivated to do so for the purpose of increasing the variety of CODEC's and output devices supportable within a collaborative audio session.

11. Regarding claim 3 (Currently Amended) – see above rejection of claim 1, the method teaches a suitable apparatus.

12. Claims 2, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hans in view of Wilson as applied to claim 1, 3 above, further in view of Saunders et al. (US PGPub 2002/0040295 hereinafter Saunders.)

13. Regarding claims 2, 4 (Original)

Hans in view of Wilson teaches:

A method according to claim 1 and apparatus according to claim 3

Hans in view of Wilson do not explicitly teach:

An apparatus **wherein said bitstream has MPEG-4 format.**

In a related field of endeavor Saunders teaches:

A method and apparatus for adding secondary content into a bitstream such as the inclusion of voice wherein the bitstream comprises MPEG-4 encoding. It would have been obvious to one of ordinary skill in the art at the time of the invention to include an MPEG-4 bitstream as taught by Saunders within the Hans in view of Wilson method and

Art Unit: 2614

device. One would have been motivated to do so for the purpose of adding voice and other audio information to a collaborative audio session.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

2002/0122559 – an audio buffer

2002/0124097 – zone based audio distribution

2003/0093792 – television delivery method

2004/0111677 – MPEG-4 format creation

5647008 – a digital mixer

6119091 – DVD decoder with PCM FIFO

6141597 – audio distribution method

6259957 – audio codecs and processing

6466833 – audio interface

6757302 – multichannel status management

6772127 – a system for inclusion of voice in to an audio channel

7058189 – audio monitoring apparatus

7073193 – media content description system

7096080 – live performance distribution system

7158843 – software definable pre-amp

7333863 – playback control system

Art Unit: 2614

15. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL MCCORD whose telephone number is (571)270-3701. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SUHAN NI can be reached on (571)272-7505. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. M./

Examiner, Art Unit 2615

/Suhan Ni/

Primary Examiner, Art Unit 2614